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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/651,428

08/29/2003

Fei Xie

51053/JEC/B600

8633

7590

05/06/2005

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EXAMINER

PAN, YUWEN

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/651,428	<b>Applicant(s)</b> XIE, FEI	
	<b>Examiner</b> Yuwen Pan	<b>Art Unit</b> 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                   |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                              | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goh (US006671353B1) in view of Haimi-Cohen (US006233320B1).

Per claims 1 and 2, Goh discloses a method in a mobile set for selecting data to be stored, comprising: displaying a plurality of recording modes (see col. 2 and lines 33-60); indicating a selection means for choosing a recording mode (see col. 2 and lines 55-60); and providing a confirmation signal after a selection means for choosing a recording mode has been selected (see col. 3 and lines 1-3). Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call and recording a set of data frames identified by a selected recording mode. Haimi-Cohen discloses a digital wireless phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16) and recording a set of data frames identified by a selected recording mode (see column 5 and lines 10-26). It would have been obvious to one

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ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claim 3, Goh discloses a method in a mobile set for replaying recorded conversation, comprising: displaying a line indicating a data structure of recorded conversation (see table 1); and in response to selection of the displayed line, replaying a recorded conversation (see col.3, lines 50-54). Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set. Haimi-Cohen discloses a digital wireless phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claim 4, Goh discloses a method in a mobile set, for replaying previously recorded conversations during a real time conversation, comprising: displaying a list of data structure representing recorded conversation (see table 1); and in response to selection of the displayed list, replaying at least a portion of a data structure (see col.3 and lines 55-62). Goh doesn't teach that each recording mode for recording a different set of data frames exchanged between the mobile set. Haimi-Cohen discloses a digital wireless phone for playing back a conversation comprising recording mode for recording a different set of data frames exchanged between the

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mobile set and a second device during a phone call (see figure 5, column 7 and lines 6-16). It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Haimi-Cohen with Goh such that provides high quality record and playback capability without the need of a more powerful DSP.

Per claims 5 and 6, the displaying of a list of data structures can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 3 and lines 7-18); in response to a selection of the displayed list, a portion of a previously recorded conversation may be played back and transmitted through the uplink signal (see col.3 and lines 63 and 64).

Per claim 7, Haimi-Cohen further teaches that the set of data frames include speech data transmitted by the mobile set to the second device during the phone call (see figure 5).

Per claim 8, Haimi-Cohen further teaches that the set of data frames include speech data received by the mobile set from the second device during the phone call (see figure 5).

Per claim 9, Haimi-Cohen further teaches that the set of data frames include non-speech data (see column 9 and lines 28-37)

Per claim 10 and 11, Haimi-Cohen further teaches that the data frames include speech data (see figure 5).

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Yuwen Pan  
April 19, 2005

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
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